

(c) REGULATIONS.—The Secretary may prescribe by regulation the meaning of the term “use and benefit” for purposes of this section.

(Added Pub. L. 108-454, title V, §503(a)(1), Dec. 10, 2004, 118 Stat. 3619.)

EFFECTIVE DATE

Section applicable with respect to any determinations by the Secretary of Veterans Affairs made after Dec. 10, 2004, of misuse of funds by a fiduciary, see section 507(b)(2) of Pub. L. 108-454, set out as an Effective Date of 2004 Amendment note under section 5312 of this title.

§ 6107. Reissuance of benefits

(a) NEGLIGENT FAILURE BY SECRETARY.—(1) In any case in which the negligent failure of the Secretary to investigate or monitor a fiduciary results in misuse of benefits by the fiduciary, the Secretary shall pay to the beneficiary or the beneficiary's successor fiduciary an amount equal to the amount of benefits that were so misused.

(2) There shall be considered to have been a negligent failure by the Secretary to investigate and monitor a fiduciary in the following cases:

(A) A case in which the Secretary failed to review a fiduciary's accounting within 60 days of the date on which that accounting is scheduled for review.

(B) A case in which the Secretary was notified of allegations of misuse, but failed to act within 60 days of the date of such notification to terminate the fiduciary.

(C) In any other case in which actual negligence is shown.

(b) REISSUANCE OF MISUSED BENEFITS IN OTHER CASES.—(1) In any case in which a fiduciary described in paragraph (2) misuses all or part of an individual's benefit paid to such fiduciary, the Secretary shall pay to the beneficiary or the beneficiary's successor fiduciary an amount equal to the amount of such benefit so misused.

(2) Paragraph (1) applies to a fiduciary that—

(A) is not an individual; or

(B) is an individual who, for any month during a period when misuse occurs, serves 10 or more individuals who are beneficiaries under this title.

(3) In any other case in which the Secretary obtains recoupment from a fiduciary who has misused benefits, the Secretary shall promptly remit payment of the recouped amounts to the beneficiary or the beneficiary's successor fiduciary as the case may be.

(c) LIMITATION ON TOTAL AMOUNT PAID.—The total of the amounts paid to a beneficiary (or a beneficiary's successor fiduciary) under this section may not exceed the total benefit amount misused by the fiduciary with respect to that beneficiary.

(d) RECOUPMENT OF AMOUNTS REISSUED.—In any case in which the Secretary reissues a benefit payment (in whole or in part) under subsection (a) or (b), the Secretary shall make a good faith effort to obtain recoupment from the fiduciary to whom the payment was originally made.

(Added Pub. L. 108-454, title V, §503(a)(1), Dec. 10, 2004, 118 Stat. 3619.)

EFFECTIVE DATE

Section applicable with respect to any determinations by the Secretary of Veterans Affairs made after Dec. 10, 2004, of misuse of funds by a fiduciary, see section 507(b)(2) of Pub. L. 108-454, set out as an Effective Date of 2004 Amendment note under section 5312 of this title.

§ 6108. Authority for judicial orders of restitution

(a) Any Federal court, when sentencing a defendant convicted of an offense arising from the misuse of benefits under this title, may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Department.

(b) Sections 3612, 3663, and 3664 of title 18 shall apply with respect to the issuance and enforcement of orders of restitution under subsection (a). In so applying those sections, the Department shall be considered the victim.

(c) If the court does not order restitution, or orders only partial restitution, under subsection (a), the court shall state on the record the reasons therefor.

(d) Amounts received in connection with misuse by a fiduciary of funds paid as benefits under laws administered by the Secretary shall be paid to the individual whose benefits were misused. If the Secretary has previously reissued the misused benefits, the amounts shall be treated in the same manner as overpayments recouped by the Secretary and shall be deposited to the credit of the applicable revolving fund, trust fund, or appropriation.

(Added Pub. L. 108-454, title V, §504(b)(1), Dec. 10, 2004, 118 Stat. 3621.)

EFFECTIVE DATE

Section effective on the first day of the seventh month beginning after Dec. 10, 2004, see section 507(a) of Pub. L. 108-454, set out as an Effective Date of 2004 Amendment note under section 5312 of this title.

CHAPTER 63—OUTREACH ACTIVITIES

Sec.¹

6301.	Purpose; definitions.
6302.	Biennial plan.
6303.	Outreach services.
6304.	Veterans assistance offices.
6305.	Outstationing of counseling and outreach personnel.
6306.	Use of other agencies.
6307.	Outreach for eligible dependents.
6308.	Biennial report to Congress.

§ 6301. Purpose; definitions

(a) PURPOSE.—The Congress declares that—

(1) the outreach services program authorized by this chapter is for the purpose of ensuring that all veterans (especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Department) are provided timely and appropriate assistance to aid and encourage them in applying for and obtaining such benefits and services in order that they may achieve a rapid social and economic readjust-

¹ Editorially supplied.

ment to civilian life and obtain a higher standard of living for themselves and their dependents; and

(2) the outreach services program authorized by this chapter is for the purpose of charging the Department with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services.

(b) DEFINITIONS.—For the purposes of this chapter—

(1) the term “other governmental programs” includes all programs under State or local laws as well as all programs under Federal law other than those authorized by this title; and

(2) the term “eligible dependent” means a spouse, surviving spouse, child, or dependent parent of a person who served in the active military, naval, or air service.

(Added Pub. L. 109–233, title IV, § 402(a), June 15, 2006, 120 Stat. 407.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 7721 of this title prior to repeal by Pub. L. 109–233.

§ 6302. Biennial plan

(a) BIENNIAL PLAN REQUIRED.—The Secretary shall, during the first nine months of every odd-numbered year, prepare a biennial plan for the outreach activities of the Department for the two-fiscal-year period beginning on October 1 of that year.

(b) ELEMENTS.—Each biennial plan under subsection (a) shall include the following:

(1) Plans for efforts to identify eligible veterans and eligible dependents who are not enrolled or registered with the Department for benefits or services under the programs administered by the Secretary.

(2) Plans for informing eligible veterans and eligible dependents of modifications of the benefits and services under the programs administered by the Secretary, including eligibility for medical and nursing care and services.

(c) COORDINATION IN DEVELOPMENT.—In developing the biennial plan under subsection (a), the Secretary shall consult with the following:

(1) Directors or other appropriate officials of organizations approved by the Secretary under section 5902 of this title.

(2) Directors or other appropriate officials of State and local education and training programs.

(3) Representatives of nongovernmental organizations that carry out veterans outreach programs.

(4) Representatives of State and local veterans employment organizations.

(5) Other individuals and organizations that the Secretary considers appropriate.

(Added Pub. L. 109–233, title IV, § 402(a), June 15, 2006, 120 Stat. 408.)

§ 6303. Outreach services

(a) REQUIREMENT TO PROVIDE SERVICES.—In carrying out the purposes of this chapter, the

Secretary shall provide the outreach services specified in subsections (b) through (d). In areas where a significant number of eligible veterans and eligible dependents speak a language other than English as their principal language, such services shall, to the maximum feasible extent, be provided in the principal language of such persons.

(b) INDIVIDUAL NOTICE TO NEW VETERANS.—The Secretary shall by letter advise each veteran at the time of the veteran's discharge or release from active military, naval, or air service (or as soon as possible after such discharge or release) of all benefits and services under laws administered by the Department for which the veteran may be eligible. In carrying out this subsection, the Secretary shall ensure, through the use of veteran-student services under section 3485 of this title, that contact, in person or by telephone, is made with those veterans who, on the basis of their military service records, do not have a high school education or equivalent at the time of discharge or release.

(c) DISTRIBUTION OF INFORMATION.—(1) The Secretary—

(A) shall distribute full information to eligible veterans and eligible dependents regarding all benefits and services to which they may be entitled under laws administered by the Secretary; and

(B) may, to the extent feasible, distribute information on other governmental programs (including manpower and training programs) which the Secretary determines would be beneficial to veterans.

(2) Whenever a veteran or dependent first applies for any benefit under laws administered by the Secretary (including a request for burial or related benefits or an application for life insurance proceeds), the Secretary shall provide to the veteran or dependent information concerning benefits and health care services under programs administered by the Secretary. Such information shall be provided not later than three months after the date of such application.

(d) PROVISION OF AID AND ASSISTANCE.—The Secretary shall provide, to the maximum extent possible, aid and assistance (including personal interviews) to members of the Armed Forces, veterans, and eligible dependents with respect to subsections (b) and (c) and in the preparation and presentation of claims under laws administered by the Department.

(e) ASSIGNMENT OF EMPLOYEES.—In carrying out this section, the Secretary shall assign such employees as the Secretary considers appropriate to conduct outreach programs and provide outreach services for homeless veterans. Such outreach services may include site visits through which homeless veterans can be identified and provided assistance in obtaining benefits and services that may be available to them.

(Added Pub. L. 109–233, title IV, § 402(a), June 15, 2006, 120 Stat. 408.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 7722 of this title prior to repeal by Pub. L. 109–233.

OUTREACH PROGRAM TO VETERANS IN RURAL AREAS

Pub. L. 109-461, title II, §213, Dec. 22, 2006, 120 Stat. 3422, provided that:

“(a) PROGRAM.—The Secretary of Veterans Affairs shall conduct an extensive outreach program to identify and provide information to veterans who served in the theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom and who reside in rural communities in order to enroll those veterans in the health-care system of the Department of Veterans Affairs during the period when they are eligible for such enrollment.

“(b) FEATURES OF PROGRAM.—In carrying out the program under subsection (a), the Secretary shall seek to work at the local level with employers, State agencies, community health centers located in rural areas, rural health clinics, and critical access hospitals located in rural areas, and units of the National Guard and other reserve components based in rural areas, in order to increase the awareness of veterans and their families of the availability of health care provided by the Secretary and the means by which those veterans can achieve access to the health-care services provided by the Department of Veterans Affairs.”

INFORMATION TO ASSIST VETERANS RECEIVING EDUCATION BENEFITS

Pub. L. 101-237, title IV, §421, Dec. 18, 1989, 103 Stat. 2088, provided that:

“(a) IN GENERAL.—For the purpose of assisting individuals receiving education benefits from the Department of Veterans Affairs, the Secretary of Veterans Affairs shall prepare, and update periodically, a document containing a detailed description of the benefits, limitations, procedures, requirements, and other important aspects of the education programs administered by the Department.

“(b) DISTRIBUTION.—The Secretary shall, beginning in fiscal year 1990 but not before July 1, 1990, distribute copies of such document—

“(1) to each individual applying for benefits under an education program administered by the Department of Veterans Affairs and to each such individual at least annually in the years thereafter in which the individual receives such benefits;

“(2) to education and training institution officials on at least an annual basis; and

“(3) upon request, to other individuals significantly affected by education programs administered by the Secretary, including military education personnel.

“(c) FUNDING.—The Secretary shall use funds appropriated to the readjustment benefits account of the Department to carry out this section.”

OUTREACH SERVICES

Pub. L. 100-687, div. B, title XII, §1204, Nov. 18, 1988, 102 Stat. 4125, as amended by Pub. L. 102-4, §4, Feb. 6, 1991, 105 Stat. 15; Pub. L. 102-83, §6(k)(2), Aug. 6, 1991, 105 Stat. 409, provided that:

“(a) ONGOING OUTREACH PROGRAM.—(1) The Secretary of Veterans Affairs shall conduct an active, continuous outreach program for furnishing to veterans of active military, naval, or air service who served in the Republic of Vietnam during the Vietnam era information relating to—

“(A) the health risks (if any) resulting from exposure during that service to dioxin or any other toxic agent in herbicides used in support of United States and allied military operations in the Republic of Vietnam during the Vietnam era; and

“(B) services and benefits available to such veterans with respect to such health risks.

“(2) The Secretary of Veterans Affairs shall annually furnish updated information on health risks described in paragraph (1)(A) to veterans referred to in paragraph (1).

“(b) INFORMATION IN AGENT ORANGE REGISTRY.—The Secretary of Veterans Affairs shall take reasonable actions to organize and update the information contained

in the Department of Veterans Affairs Agent Orange Registry in a manner that enables the Secretary promptly to notify a veteran of any increased health risk for such veteran resulting from exposure of such veteran to dioxin or any other toxic agent referred to in subsection (a) during Vietnam-era service in the Republic of Vietnam whenever the Secretary determines, on the basis of physical examination or other pertinent information, that such veteran is subject to such an increased health risk.”

§ 6304. Veterans assistance offices

(a) IN GENERAL.—The Secretary shall establish and maintain veterans assistance offices at such places throughout the United States and its territories and possessions, and in the Commonwealth of Puerto Rico, as the Secretary determines to be necessary to carry out the purposes of this chapter. The Secretary may maintain such offices on such military installations located elsewhere as the Secretary, after consultation with the Secretary of Defense and taking into account recommendations, if any, of the Secretary of Labor, determines to be necessary to carry out such purposes.

(b) LOCATION OF OFFICES.—In establishing and maintaining such offices, the Secretary shall give due regard to—

(1) the geographical distribution of veterans recently discharged or released from active military, naval, or air service;

(2) the special needs of educationally disadvantaged veterans (including their need for accessibility of outreach services); and

(3) the necessity of providing appropriate outreach services in less populated areas.

(Added Pub. L. 109-233, title IV, §402(a), June 15, 2006, 120 Stat. 409.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 7723 of this title prior to repeal by Pub. L. 109-233.

§ 6305. Outstationing of counseling and outreach personnel

The Secretary may station employees of the Department at locations other than Department offices, including educational institutions, to provide—

(1) counseling and other assistance regarding benefits under this title to veterans and other persons eligible for benefits under this title; and

(2) outreach services under this chapter.

(Added Pub. L. 109-233, title IV, §402(a), June 15, 2006, 120 Stat. 409.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 7724 of this title prior to repeal by Pub. L. 109-233.

§ 6306. Use of other agencies

(a) In carrying out this chapter, the Secretary shall arrange with the Secretary of Labor for the State employment service to match the particular qualifications of an eligible veteran or eligible dependent with an appropriate job or job training opportunity, including, where possible, arrangements for outstationing the State em-

ployment personnel who provide such assistance at appropriate facilities of the Department.

(b) In carrying out this chapter, the Secretary shall, in consultation with the Secretary of Labor, actively seek to promote the development and establishment of employment opportunities, training opportunities, and other opportunities for veterans, with particular emphasis on the needs of veterans with service-connected disabilities and other eligible veterans, taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

(c) In carrying out this chapter, the Secretary shall cooperate with and use the services of any Federal department or agency or any State or local governmental agency or recognized national or other organization.

(d) In carrying out this chapter, the Secretary shall, where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization.

(e) In carrying out this chapter, the Secretary may furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services.

(f) In carrying out this chapter, the Secretary shall conduct and provide for studies, in consultation with appropriate Federal departments and agencies, to determine the most effective program design to carry out the purposes of this chapter.

(Added Pub. L. 109-233, title IV, § 402(a), June 15, 2006, 120 Stat. 409.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 7725 of this title prior to repeal by Pub. L. 109-233.

§ 6307. Outreach for eligible dependents

(a) NEEDS OF DEPENDENTS.—In carrying out this chapter, the Secretary shall ensure that the needs of eligible dependents are fully addressed.

(b) INFORMATION AS TO AVAILABILITY OF OUTREACH SERVICES FOR DEPENDENTS.—The Secretary shall ensure that the availability of outreach services and assistance for eligible dependents under this chapter is made known through a variety of means, including the Internet, announcements in veterans publications, and announcements to the media.

(Added Pub. L. 109-233, title IV, § 402(a), June 15, 2006, 120 Stat. 410.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 7727 of this title prior to repeal by Pub. L. 109-233.

§ 6308. Biennial report to Congress

(a) REPORT REQUIRED.—The Secretary shall, not later than December 1 of every even-numbered year (beginning in 2008), submit to Congress a report on the outreach activities carried out by the Department.

(b) CONTENT.—Each report under this section shall include the following:

(1) A description of the implementation during the preceding fiscal year of the current biennial plan under section 6302 of this title.

(2) Recommendations for the improvement or more effective administration of the outreach activities of the Department.

(Added Pub. L. 109-233, title IV, § 402(a), June 15, 2006, 120 Stat. 410.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 7726 of this title prior to repeal by Pub. L. 109-233.

PART V—BOARDS, ADMINISTRATIONS, AND SERVICES

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AMENDMENTS

2006—Pub. L. 109-461, title IX, § 903(a)(2), Dec. 22, 2006, 120 Stat. 3464, added item for chapter 79.

1998—Pub. L. 105-368, title V, § 512(a)(4)(B), Nov. 11, 1998, 112 Stat. 3341, substituted "Appeals for Veterans Claims" for "Veterans Appeals" in item for chapter 72.

1991—Pub. L. 102-83, § 2(d)(3), Aug. 6, 1991, 105 Stat. 402, added item for chapter 77.

Pub. L. 102-54, § 14(e)(1), June 13, 1991, 105 Stat. 287, inserted "United States" before "Court of Veterans Appeals" in item for chapter 72.

Pub. L. 102-40, title IV, §§ 402(c)(2), 403(e)(1), (f)(2), May 7, 1991, 105 Stat. 239-241, substituted "BOARDS, ADMINISTRATIONS, AND SERVICES" for "BOARDS AND DEPARTMENTS" in part heading, renumbered section numbers by substituting "7101" for "4001" in item for chapter 71, "7251" for "4051" in item for chapter 72, and "7601" for "4301" in item for chapter 76, substituted "Veterans Health Administration—Organization and Functions" for "Department of Medicine and Surgery" and "7301" for "4101" in item for chapter 73, added item for chapter 74, struck out item for chapter 75 "Veterans' Canteen Service", and added item for chapter 78.

1988—Pub. L. 100-687, div. A, title III, § 301(b), Nov. 18, 1988, 102 Stat. 4121, added item for chapter 72.

Pub. L. 100-322, title II, § 216(e)(2), May 20, 1988, 102 Stat. 530, added item for chapter 76.

CHAPTER 71—BOARD OF VETERANS' APPEALS

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